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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,865	02/21/2002	Uma Arunkumar	GP-302051 2760/49	7567

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EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,865

Applicant(s)

ARUNKUMAR, UMA

Examiner

Peling A. Shaw

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendment received on 06/24/2005 has been entered. Claims 1, 16 and 19 are currently amended.
2. Claims 1-21 are presented for examination.

Priority

3. This application has no priority claim made. The filing date is 02/21/2002.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6 and 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Jijina et al. (US 20030103599 A1), hereinafter referred as Jijina.

- a. Regarding claim 1, Jijina disclosed a method for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the method comprising: establishing a connection between the server and the client VCU (page 1, paragraph 4); and acquiring, at the server, an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4).

- b. Regarding claim 4, Jijina disclosed the method of claim 1 further comprising delivering the communication to the client VCU upon acquiring an IGNITION ON status (page 1, paragraph 4).
- c. Regarding claim 5, Jijina disclosed the method of claim 4 wherein delivering the communication further comprises: the client VCU annunciating delivery of the communication prior to actual delivery of the communication; and delaying actual delivery of the communication until the customer initiates delivery of the communication at the client VCU (page 2, paragraph 23).
- d. Regarding claim 6, Jijina disclosed the method of claim 5 wherein annunciating the communication includes broadcasting an audible message to the customer inside the vehicle (page 2, paragraph 23).
- e. Regarding claim 8, Jijina disclosed the method of claim 1 further comprising delaying delivery of the communication to the client VCU upon acquiring an IGNITION OFF status (page 1, paragraph 7).
- f. Regarding claim 9, Jijina disclosed the method of claim 8 further comprising storing the communication at the server upon acquiring an IGNITION OFF status (page 1, paragraph 7).
- g. Regarding claim 10, Jijina disclosed the method of claim 9 further comprising periodically attempting to establish a connection (page 1, paragraph 4) for updating the ignition status with the client VCU when an undelivered communication is stored at the server (page 2, paragraphs 23-24).

- h. Regarding claim 11, Jijina disclosed the method of claim 9 further comprising storing an indication at the client VCU of a communication awaiting delivery from the server (page 1, paragraph 4; page2, paragraphs 23-24).
- i. Regarding claim 12, Jijina disclosed the method of claim 11 further comprising annunciating in the vehicle the indication of a communication awaiting delivery at the server, upon the client VCU acquiring an IGNITION ON status (page2, paragraphs 23-24).
- j. Regarding claim 13, Jijina disclosed the method of claim 1 further comprising storing the communication at the client VCU upon acquiring an IGNITION OFF status (page 1, paragraph 4).
- k. Regarding claim 14, Jijina disclosed the method of claim 13 further comprising also storing the communication at the server (page 1, paragraph 7).
- l. Regarding claim 15, Jijina disclosed the method of claim 13 further comprising delivering the communication to the customer upon the client VCU acquiring an IGNITION ON status (page 1, paragraph 4).
- m. Regarding claim 16, Jijina disclosed an apparatus for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the apparatus comprising: means for establishing a connection between the server and the client VCU (page 1, paragraph 4); and means for acquiring, at the server, an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4).

- n. Regarding claim 17, Jijina disclosed the apparatus of claim 16 further comprising means for delivering the communication to the customer upon acquiring an IGNITION ON status (page 1, paragraph 4).
- o. Regarding claim 18, Jijina disclosed the apparatus of claim 16 further comprising means for storing the communication until an IGNITION ON status is acquired (page 1, paragraph 7).
- p. Regarding claim 19, Jijina disclosed a computer readable medium storing a computer program for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the computer program comprising: computer readable code for establishing a connection between the server and the client VCU (Fig. 3; page 1, paragraph 4); and computer readable code for acquiring, at the server, an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (Fig. 3; page 1, paragraph 4).
- q. Regarding claim 20, Jijina disclosed the computer readable medium of claim 19, wherein the computer program further comprises computer readable code for delivering the communication to the customer upon acquiring an IGNITION ON status (Fig. 3; page 1, paragraph 4).
- r. Regarding claim 21, Jijina disclosed the computer readable medium of claim 19, wherein the computer program further comprises computer readable code for storing the communication until an IGNITION ON status is acquired (Fig. 3; page 1, paragraph 7).

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Jijina disclosed all limitations of claims 1, 4-6 and 8-21. Claims 1, 4-6 and 8-21 are rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jijina et al. (US 20030103599 A1), hereinafter referred as Jijina as applied to claims 1 and 4-5 above, and further in view of do Nascimento, JR. (US 20020128000 A1), hereinafter referred as Nascimento.

- a. Jijina shows (claim 1) a method for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the method comprising: establishing a connection between the server and the client VCU (page 1, paragraph 4); and acquiring, at the server, an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4); (claim 4) further comprising delivering the communication to the client VCU upon acquiring an IGNITION ON status (page 1, paragraph 4); (claim 5) wherein delivering the communication further comprises: the client VCU annunciating delivery of the communication prior to actual delivery of the communication; and delaying actual

- delivery of the communication until the customer initiates delivery of the communication at the client VCU (page 2, paragraph 23). Jijina also shows (claim 3) wherein delivering the communication further comprises annunciating the type of communication available for delivery (page 2, paragraph 23). Jijina does not show (claim 2) wherein the communication is one of the group consisting of a voicemail message, a facsimile (FAX), an E-mail message, and a transfer of data; (claim 7) wherein the customer initiates delivery with a verbal command.
- b. Nascimento shows (claim 2) wherein the communication is one of the group consisting of a voicemail message, a facsimile (FAX), an E-mail message, and a transfer of data (page 12, paragraph 112); (claim 7) wherein the customer initiates delivery with a verbal command (page 12, paragraph 109) in an analogous art for the purpose of driving detection/notification and location/situation-based services
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Jijina's mobile communication unit with Nascimento's functions of voice interactive message system for voice, text, FAX messaging service.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to implement a vehicle communication system per Jijina's teaching to include standard interactive universal message service features, e.g. voice messaging, FAX, text and data capability (email) for vehicle communication per Nascimento's teaching.

Together Jijina and Nascimento disclosed all limitations of claims 2-3 and 7. Claims 2-3 and 7 are rejected under 35 U.S.C. 103(a).

Response to Arguments

6. Applicant's arguments filed on 10079865 have been fully considered, but they are not persuasive.
 - a. In response to applicant's statement of "Jijina does not disclose acquiring, at the server, an ignition status from the client VCU, as claimed in claims 1, 16 and 19.", Jijina does show (Fig. 2, 3, 5, 6, 7 and 8) various voice or data call functions and references to the ignition status in related to various voice or data call functions (page 1, paragraphs 4 and 7). These indicate that Jijina does learn ignition status with voice or data call functions as they reside in a counter communication system, i.e. a server.
7. Applicant's arguments with respect to pending claims 2-3, 7 and 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pas



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